

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 15, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mathis at 2:11 p.m. The meeting was recessed by Mayor Golding at 3:50 p.m. to convene as the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 3:54 p.m. with Council Member Kehoe not present.

Mayor Golding adjourned the meeting at 6:40 p.m. into closed session on Tuesday, May 16, 2000, at 9:00 a.m. in the twelfth floor conference room to discuss existing litigation, anticipated litigation, property acquisition, and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-Excused By R-293174; no reason given.
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend C. Dennis Williams of Bethel AME Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

4/10/2000
4/11/2000
4/17/2000
4/18/2000
4/24/2000 Adjourned

4/25/2000 Adjourned
4/25/2000 Special Joint Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A270-274.)

MOTION BY STEVENS TO APPROVE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-31: Emergency Medical Services Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1331) ADOPTED AS RESOLUTION R-293077

Proclaiming the week of May 14 through 20, 2000 to be "Emergency Medical Services Week" in San Diego and encouraging all residents to increase their knowledge and awareness of the EMS system and commending every member of the EMS team for their dedicated efforts in times of emergency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-054.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-32: Water Safety Awareness Month.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1330) ADOPTED AS RESOLUTION R-293078

Proclaiming the month of May 2000 to be "Water Safety Awareness Month" in San Diego and commending the Park and Recreation Department for promoting water safety and urging San Diegans to take appropriate measures to protect themselves and their children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A056-088.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-33: Fiesta de Los Peñasquitos Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1332) ADOPTED AS RESOLUTION R-293079

Proclaiming Sunday, May 7, 2000, to be "Fiesta de Los Peñasquitos Day" in San Diego in recognition of the community's outstanding volunteers and their accomplishments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-136.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-34: Better Hearing and Speech Month.

DEPUTY MAYOR MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1288) ADOPTED AS RESOLUTION R-293080

Recognizing the value and efforts of all who work to eliminate or minimize the
isolating effects of communication disorders and empower these individuals to
lead independent, productive and fulfilling lives;

Proclaiming the month of May 2000 as "Better Hearing and Speech Month" in
San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A140-175.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-35: James C. Schmidt Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1229) ADOPTED AS RESOLUTION R-293081

Commending James C. Schmidt for his service and dedication to the City and his efforts to ensure equal opportunity among all San Diegans;

Proclaiming May 15, 2000 to be "James C. Schmidt Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A180-228.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-36: SAY Day at The Bay.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1252) ADOPTED AS RESOLUTION R-293082

Recognizing the accomplishments of Social Advocates for Youth, SAY San Diego;

Proclaiming May 20, 2000 to be "SAY Day at The Bay" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A232-274.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Comment by Forrest Curo regarding the Winter Family Shelter Program and the information he was given that all homeless families would be placed. He stated that he has found out this is not the case and would like to be assured that something is being done.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A280-314.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Comment by Gary Marchinke regarding his concerns and complaint in February about the golf balls that were landing near or on the foot path at Lake Murray. He reported that the situation still exists. He stated that the problem is a 270-foot area along the 13th fairway of the Mission Trails Golf Course. It runs parallel to the footpath. The left edge of the 13th green is a mere 53 feet from the footpath. The one and only thing in this area that currently protects pedestrians from errant golf balls is a six-foot fence. Mr. Marchinke stated that this 6-foot fence represents a gross and reckless disregard for public safety. The reaction of the American Golf Company to this serious safety hazard has been to plant four baby Eucalypts trees in this area. The problem is the trees are not large enough now to stop the golf balls. He stated that what is needed in this area is a tall fence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A320-346.)

PUBLIC COMMENT-3:

Comment by Don Stillwell regarding military training exercises without the consent of elected officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A346-378.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Comment by Nicholas Moffit regarding police and public servant attitude.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A380-410.)

PUBLIC COMMENT-5:

Comment by Robert Logan from De Anza Resort regarding his concerns with the MOU process. He stated it should include alternatives for the tax paying resident.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A414-450.)

PUBLIC COMMENT-6:

Comment by Steve McWilliams regarding a lawsuit the City is facing as a result of the confiscation and destruction of medicinal marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A453-489.)

PUBLIC COMMENT-7:

Comment by Donna Frye regarding the City Attorney's opinion of what was meant when the citizens' voted in 1988 to limit development in Mission Bay Park to 25 percent of total leases. The City Charter states that it pertains to both commercial and non-

commercial leases. The 1988 memorandum of Law in City Attorney's May 5th report to the Committee on Natural Resources concludes that restrictions apply only to commercial leases. If that were true it would mean that all of Mission Bay Park could be developed as long as the lease was for non-profit or non-commercial uses. This was not the intent of the voters. She requested that this issue be referred to the Natural Resources and Culture Committee and that the entire City Council be made aware of the opposition to this interpretation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A491-534.)

PUBLIC COMMENT-8:

Comment by Barbara MacKenzie regarding the complaint process of the San Diego Police Department which she became involved in as a result of the police raid and destruction of her medical marijuana plants at Shelter from the Storm in Hillcrest last July. Following the raid attempts were made to work with City officials to implement the three and a half year old law. Complaints have been filed against several police officers and Chief David Bejarano. She stated that the complaint process is extremely difficult to work with. Citizens do not understand it and the police try to obstruct it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A539-B566.)

PUBLIC COMMENT-9: REFERRED TO THE CITY MANAGER

Comment by Paul Nestor regarding his concerns with the lack of signage in Mission Beach indicating the speed limit and one way streets. He stated that the police officers can't write tickets because there is no signage and the tickets are thrown out in court.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A569-603.)

PUBLIC COMMENT-10:

Comment by Dick Van Raaphorst regarding concerns with safety, traffic, and lack of signage in Mission Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A616-646.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Stallings announced the ground breaking for the new animal shelter. She stated that about a year from now the facility should be completed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A663-B054.)

COUNCIL COMMENT-2:

Council Member Stevens commended Mayor Golding for her involvement in bringing the janitorial strike to a halt.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B055-063.)

COUNCIL COMMENT-3:

Council Member Vargas commended the Police Department for their work in San Ysidro and stated he was proud of the San Diego Police Department.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B064-072.)

* ITEM-50: Senior Affairs Advisory Board.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/2/00. (Council voted 9-0):

(O-2000-163) ADOPTED AS ORDINANCE O-18800 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal Code, by repealing Section 26.05 titled "The Senior Citizens' Advisory Board" and by adding Division 15, Sections 26.1501, 26.1502, and 26.1503, relating to the Senior Affairs Advisory Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51: Science and Technology Council.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/2/00. (Council voted 8-0. District 5 not present):

(O-2000-148) ADOPTED AS ORDINANCE O-18801 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal Code, by adding Division 14, Sections 26.1401, 26.1402, and 26.1403, relating to the Science and Technology Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-52: Ordinance amending the Land Development Code related to Mining and Extractive Industries to bring the City of San Diego into compliance with the State Surface Mining and Reclamation Act (SMARA).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/2/00. (Council voted 9-0):

(O-2000-131 Cor. Copy) ADOPTED AS ORDINANCE O-18802 (New Series)

Amending Chapter XIV, Article 1, Division 10, of the San Diego Municipal Code, by amending Section 141.1004, relating to the California Surface Mining and Reclamation Act of 1975.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-53: Ostrow Property Rezone.

(RZ-99-0015. Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/2/00. (Council voted 9-0):

(O-2000-165) ADOPTED AS ORDINANCE O-18803 (New Series)

Rezoning the easternmost approximately 1.25 acres of a 6-acre site, located north of Otay Mesa Road, between Del Sol Boulevard and Otay Valley Road from the A-1-10 Zone to the Industrial Subdistrict Zone of the Otay Mesa Development District.

FILE LOCATION: PERM-99-0015 (65)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-54: Time Warner Cable Television Transfer of Control Request.

(See City Manager Report CMR-00-100. Districts-1, 2, 5, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-174) INTRODUCED, TO BE ADOPTED ON MAY 30, 2000

Introduction of an Ordinance approving the transfer of control of the cable television franchise from Time Warner Entertainment - Advance/Newhouse Partnership, a subsidiary of Time Warner Inc., to Time Warner Entertainment - Advance/Newhouse Partnership, a subsidiary of America Online Time Warner, Inc., pursuant to Section 8 of City Council Ordinance No. O-15213.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G167-179.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Balboa Avenue (from Kearny Villa Road to Ruffin Road) Underground Utility District.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1225) ADOPTED AS RESOLUTION R-293083

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Balboa Avenue (from Kearny Villa Road to Ruffin Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Balboa Avenue (from Kearny Villa Road to Ruffin Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$1,030,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001031.

FILE LOCATION: STRT K-274 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101: Del Cerro Boulevard (from Madra Avenue to Lyden Way) Underground Utility District.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1223) ADOPTED AS RESOLUTION R-293084

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Del Cerro Boulevard (from Madra Avenue to Lyden Way) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Del Cerro Boulevard (from Madra Avenue to Lyden Way) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$420,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001029.

FILE LOCATION: STRT-K-273 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: Gramercy Drive (from Ruffin Road to Sandrock Road) Underground Utility District.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1217) ADOPTED AS RESOLUTION R-293085

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Gramercy Drive (from Ruffin Road to Sandrock Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Gramercy Drive (from Ruffin Road to Sandrock Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$542,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001028.

FILE LOCATION: STRT-K-271 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103: Meadowbrook Drive (from Skyline Drive to Paradise Valley Road) Underground Utility District.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1221) ADOPTED AS RESOLUTION R-293086

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Meadowbrook Drive (from Skyline Drive to Paradise Valley Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Meadowbrook Drive (from Skyline Drive to Paradise Valley Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$455,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001058.

FILE LOCATION: STRT-K-272 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-104: Meadowbrook Drive (from Blackstone Court to Skyline Drive) Underground Utility District.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1227) ADOPTED AS RESOLUTION R-293087

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Meadowbrook Drive (from Blackstone Court to Skyline Drive) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Meadowbrook Drive (from Blackstone Court to Skyline Drive) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$673,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities

Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001026.

FILE LOCATION: STRT-K-277 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Skyline Drive (66th Street to Sychar Road) Underground Utility District.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1302) ADOPTED AS RESOLUTION R-293088

Designating July 7, 2000 as the date upon which all property in the Skyline Drive (66th Street to Sychar Road) Underground Utility District must be ready to receive underground service and November 10, 2000 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78145 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Skyline Drive (66th Street to Sychar Road) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all qualified property owners in the Skyline Drive (66th Street to Sychar Road) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Treasurer to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Skyline Drive (66th Street to Sychar Road) Underground Utility District was created by the City Council on September 13, 1994. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set July 7, 2000 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish November 10, 2000 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum \$3,500.00 per electric service lateral. Reimbursements will also include the costs of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT

The fiscal impact to the City is the Street Light replacement by SDG&E. Cost estimated at \$60,000.

Belock/Boekamp/HR

Aud. Cert. 2001086.

FILE LOCATION: STRT-K-225 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Streamview Drive (from 54th Street to College Avenue) Underground Utility District.

(Eastern Area and Navajo Community Areas. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1219) ADOPTED AS RESOLUTION R-293089

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Streamview Drive (from 54th Street to College Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Streamview Drive (from 54th Street to College Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when

such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$1,190,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001027.

FILE LOCATION: STRT-K-275 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: 47th Street (from Imperial Avenue to Logan Avenue) Underground Utility District.

(Lincoln Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1273) ADOPTED AS RESOLUTION R-293090

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the 47th Street (from Imperial Avenue to Logan Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the 47th Street (from Imperial Avenue to Logan Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$472,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001087.

FILE LOCATION: STRT-K-276 (38)

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Sale of Easements - Seabreeze Farms.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1053 Cor. Copy) ADOPTED AS RESOLUTION R-293091

Authorizing the 0.28 acre parcel of land located east of and adjacent to Carmel Knolls Drive to be sold by negotiation for the amount of \$11,440 to Seabreeze LLC;

Authorizing the City Manager to execute the above-mentioned Easement Deeds, granting to Seabreeze LLC, easements for street, storm drain and water lines in the 0.28 acre parcel of land located east of and adjacent to Carmel Knolls Drive, as more particularly described in the Easement Deeds;

Declaring that no broker's commission shall be paid by the City of San Diego on the herein described negotiated sale;

Declaring that the information contained in Mitigated Negative Declaration LDR-96-7919 has been reviewed and considered by Council and is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Project.

CITY MANAGER SUPPORTING INFORMATION:

The City owns in fee an irregular shaped parcel of land that is zoned Open Space in the Carmel Valley Community. The parcel is located east of and adjacent to Carmel Knolls Drive. The property was dedicated to the City in fee by Final Map No. 12604. The adjacent property to the east, Seabreeze Farms, is processing their subdivision map VTM-96-1979 and has proposed to purchase the three easement areas for the water lines, street and drainage facilities. Staff recommends approval for the sale to Seabreeze Farms. A Fair Market Value appraisal of the portion of the City parcel established a sale price of \$11,440.

FISCAL IMPACT:

\$11,440 will be deposited in the Open Space Acquisition Fund No. 30252.

Loveland/Griffith/RAG

FILE LOCATION: DEED F-7762

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Federal Grant for DNA Analysis.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1272) ADOPTED AS RESOLUTION R-293092

Authorizing the City Manager to apply for, accept, expend and administer funds from the Office of Criminal Justice Planning (OCJP) for DNA Analysis;

Authorizing the City Manager to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by OCJP;

Declaring that any liability arising out of our performance under this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego. The State of California and OCJP disclaim responsibility for the liability;

Declaring that the grant funds and/or resources received shall not be used to supplant expenditures controlled by Council;

Declaring that personnel positions funded are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

This grant will assist the DNA Unit of the San Diego Police Department Crime Laboratory in implementing Short Tandem Repeat (STR) DNA Analysis on casework evidence by providing the kits used in the typing process. The eight kits purchased through the grant funds will be sufficient to analyze 800 samples, which represents approximately 50-60 criminal cases. Thus, the grant will assist the Laboratory by providing approximately one third of the DNA typing kits required during the 12-month period. The criminal cases analyzed by the DNA Laboratory are 70 percent sexual assaults, 20 percent homicides, and 10 percent cases involving other serious crimes where biological material has been left at a crime scene. STR analysis will not only allow evidence samples to be compared with obtained reference samples of suspects, but will also allow the evidence samples to be compared against a DNA database of convicted offenders that reside in Berkeley, California. Thus the DNA kits will assist in the solving of crimes by linking suspects generated through investigations or through the database of high-risk violent offenders. It should also be pointed out that approximately 20 percent of the DNA tests run nationwide will lead to the exoneration of an implicated suspect. This grant will also assist the DNA Laboratory in meeting its training needs.

FISCAL IMPACT:

If this federal grant is secured the City will receive \$34,150 to be used on DNA analysis. No match is required as part of this grant.

Uberuaga/Bejarano/MG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Application for Grants for Traffic Flow Projects.

(See City Manager Report CMR-00-99.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1187) ADOPTED AS RESOLUTION R-293093

Authorizing the City Manager to submit applications for seventeen traffic flow projects to SANDAG, for Congestion Mitigation and Air Quality (CMAQ) funds.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: Boating Safety and Enforcement Grant Application.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1068) ADOPTED AS RESOLUTION R-293094

Authorizing the Chief of Police, David Bejarano, to apply for, accept, expend and administer funds for the Boating Safety and Enforcement Grant Application;

Declaring that the authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that the City is authorized to provide ongoing costs of operation relating to this program, including any amendments thereof, under the Program and funding terms and conditions of the State of California.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department Harbor Unit is responsible for patrolling the waterways of Mission Bay Park. Much of their equipment is old, obsolete and inefficient. Periodically, the California Department of Boating and Waterways (DBW) provides funding to replace existing water patrol equipment. In response to a solicitation from DBW, the San Diego Police Department has developed an application for a cabin vessel, outboard engine and trailer to replace similar obsolete equipment. The equipment will be used to provide safety, educational and enforcement patrol on the waterways and shores of Mission Bay Park. Grant will be for a maximum of \$60,000, depending upon final cost of funded items, including tax, delivery, etc.

FISCAL IMPACT:

There will be no adverse fiscal impact. City will realize unknown savings due to reduced maintenance costs of new equipment.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: Acceptance of Department of Conservation City/County Annual Payment.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1249) ADOPTED AS RESOLUTION R-293095

Authorizing the submittal of the Funding Request Form to the Department of Conservation's Division of Recycling;

Authorizing the Environmental Services Department/Programs Division Deputy Director to execute in the name of The City of San Diego, all necessary forms for securing payments and to implement and carry out the purposes specified in Section 14581(a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act and provide information regarding this program to the Division upon request.

CITY MANAGER SUPPORTING INFORMATION:

On January 1, 2000 State Senate Bill 332 became law and expanded California's Beverage Container Recycling Redemption Program to include more containers and allocate additional funds for recycling programs. This Bill provides three sources of additional funding to the City for recycling programs. The first is the \$6.8 million for the expansion of curbside recycling. The second is an increase in the annual payments to curbside recycling program operators. The third is the creation of a new fund that requires the Department of Conservation to expend a total of \$10,500,000, on per capita basis, to eligible cities and counties for beverage container recycling activities.

The City of San Diego is eligible to receive \$366,632 for FY 2001 from this new fund. This money can be used for new or existing programs, such as curbside recycling, that are designed to recover beverage containers. The Environmental Services Department will use this money to assist in purchasing curbside recycling bins. In order to receive this money, the City must adopt a resolution accepting these funds and submit a completed application to the Department of Conservation by May 31, 2000.

FISCAL IMPACT:

City will receive \$366,632 for FY 2001 from the California Department of Conservation. The revenue will be deposited in Fund 41210 - Recycling Fund. No funds will be expended in FY 2000.

Belock/Hays/RK

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113: Transfer of Funds of Winterwood Lane Community Park - Phase I.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1265) ADOPTED AS RESOLUTION R-293096

Authorizing the appropriation of \$100,000 from CIP-29-727.0, Winterwood Lane Community Park Phase II, Fund 79006, to CIP-29-716.0, Winterwood Lane Community Park Phase I, for the purpose of covering the Change Order, retention, and other outstanding expenses related to the Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$100,000 from CIP-29-716.0, Winterwood Lane Community Park Phase I, Fund 79006, Mira Mesa FBA.

CITY MANAGER SUPPORTING INFORMATION:

This project, Winterwood Lane Community Park - Phase I, is a joint use project with the San Diego Unified School District. It includes construction of ballfields, lighting, turfing, a running track, and fencing at Challenger Middle School in Mira Mesa. The project was completed, and a dedication ceremony was conducted on February 26, 2000. The Contractor experienced long delays and sequencing problems when design revisions were required due to unforeseen existing site conditions. These revisions required review and approval by the San Diego Unified School

District, the State Architect's Office, and other outside agencies since the project is on a shared site. The revisions and reviews resulted in delays which caused the Contractor to work out of sequence, requiring additional move-ons and move-offs, resulting in inefficient production.

The appropriation and expenditure of additional funds will supplement previously authorized funding and will be used to compensate the Contractor for the inefficiencies caused by delays beyond the Contractor's control, retention, and other outstanding expenses. This compensation is based on a negotiated agreement between Park and Recreation, Field Engineering, and the Contractor facilitated by the City Attorney's Office.

FISCAL IMPACT:

Funds in the amount of \$100,000 are available for this purpose in Fund 79006, CIP-29-727.0.

Loveland/McLatchy/TM

Aud. Cert. 2001076.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114: Traffic Signal and Street Lighting Systems at Ashton Street and Morena Boulevard and at Gesner Street and Morena Boulevard.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1257) ADOPTED AS RESOLUTION R-293097

Accepting and appropriating \$240,000 of Surface Transportation Program Funds (Fund No. 38969) for the design and construction of TS/SL at Ashton Street/Morena Boulevard and Gesner Street/Morena Boulevard;

Authorizing the addition of CIP-62-205.0, TS/SL at Ashton Street/Morena Boulevard and Gesner Street/Morena Boulevard to the FY 2000 Capital Improvements Program in the amount of \$240,000;

Authorizing the expenditure of an amount not to exceed \$240,000 (Fund No. 38969) for the purpose of funding the design and construction of TS/SL at Ashton Street/Morena Boulevard and Gesner Street/Morena Boulevard, contingent upon receipt of fully executed program supplements, for the purpose of providing funds for the above project;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend Surface Transportation Program (STP) grant funds for the following project:

TS/SL at Ashton Street/Morena Boulevard and Gesner Street/Morena Boulevard; (Fund 38969) - \$240,000

This project will install new traffic signals at the intersections of Ashton Street and Morena Boulevard and at Gesner Street and Morena Boulevard. The cost of this project is \$240,000 for design, construction, and construction engineering. This is contingent upon receipt of fully executed program supplements.

This action further authorizes the City Manager to add the following project to the FY 2000 Capital Improvement Program:

CIP-62-205.0 (Fund 38969) TS/SL at Ashton Street and Morena Boulevard and at Gesner Street and Morena Boulevard

These are two of the 32 signals approved by the Council on March 23, 1999 for STP funding (Manager's Report CMR-99-46).

FISCAL IMPACT:

The total cost of this project is \$240,000 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PKB

Aud. Cert. 2000993.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Traffic Signal and Street Lighting Systems at Camino Ruiz and Jade Coast Drive and at Empire Street and Miramar Road.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1255) ADOPTED AS RESOLUTION R-293098

Accepting and appropriating \$240,000 of Surface Transportation Program Funds (Fund No. 38968) for the design and construction of TS/SL at Camino Ruiz/Jade Coast Drive and Empire Street/Miramar Road;

Authorizing the addition of CIP-62-203.0, TS/SL at Camino Ruiz/Jade Coast Drive and Empire Street/Miramar Road, to the FY 2000 Capital Improvements Program in the amount of \$240,000;

Authorizing the expenditure of an amount not to exceed \$240,000 (Fund No. 38968) for the purpose of funding the design and construction of TS/SL at Camino Ruiz/Jade Coast Drive and Empire Street/Miramar Road, contingent

upon receipt of fully executed program supplements, for the purpose of providing funds for the above project;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend Surface Transportation Program (STP) grant funds for the following project:

TS/SL at Camino Ruiz/Jade Coast Drive and Empire Street/Miramar Road
(Fund 38968) - \$240,000

This project will install new traffic signals at the intersections of Camino Ruiz and Jade Coast Drive and at Empire Street and Miramar Road. The cost of this project is \$240,000 for design, construction, and construction engineering. This is contingent upon receipt of fully executed program supplements.

This action further authorizes the City Manager to add the following project to the FY 2000 Capital Improvement Program:

CIP-62-203.0 (Fund 38968) TS/SL at Camino Ruiz/Jade Coast Drive and Empire Street/Miramar Road

These are two of the 32 signals approved by the Council on March 23, 1999 for STP funding (Manager's Report CMR-99-46).

FISCAL IMPACT:

The total cost of this project is \$240,000 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PKB

Aud. Cert. 2000991.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-116: Traffic Signal and Street Lighting Systems at Montezuma Road and Yerba Santa Drive and at Montezuma Road and Reservoir Drive.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1259) ADOPTED AS RESOLUTION R-293099

Accepting and appropriating \$240,000 of Surface Transportation Program Funds (Fund No. 38972) for the design and construction of TS/SL at Montezuma Road/Yerba Santa Drive and at Montezuma Road/Reservoir Drive;

Authorizing the addition of CIP-62-208.0, TS/SL at Montezuma Road/Yerba Santa Drive and at Montezuma Road/Reservoir Drive to the FY 2000 Capital Improvements Program in the amount of \$240,000;

Authorizing the expenditure of an amount not to exceed \$240,000 (Fund No. 38972) for the purpose of funding the design and construction of TS/SL at Montezuma Road/Yerba Santa Drive and at Montezuma Road/Reservoir Drive, contingent upon receipt of fully executed program supplements, for the purpose of providing funds for the above project;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to accept, appropriate, and expend Surface Transportation Program (STP) grant funds for the following project:

TS/SL at Montezuma Road/Yerba Santa Drive and Montezuma Road/Reservoir Drive
(Fund 38972) - \$240,000

This project will install new traffic signals at the intersections of Montezuma Road and Yerba Santa Drive and at Montezuma Road and Reservoir Drive. The cost of this project is \$240,000 for design, construction, and construction engineering. This is contingent upon receipt of fully executed program supplements.

This action further authorizes the City Manager to add the following project to the FY 2000 Capital Improvement Program:

CIP-62-208.0 (Fund 38972) TS/SL at Montezuma Road and Yerba Santa Drive and
at Montezuma Road and Reservoir Drive

These are two of the 32 signals approved by the Council on March 23, 1999 for STP funding (Manager's Report CMR-99-46).

FISCAL IMPACT:

The total cost of this project is \$240,000 which is reimbursable by a Federal (STP) grant.

Loveland/Belock/PKB

Aud. Cert. 2000996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117: South Bay Reclamation Sewer and Pump Station - Package A.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1290) ADOPTED AS RESOLUTION R-293100

Authorizing the City Auditor and Comptroller to transfer the sum of \$915,000 from Sewer Fund 41509, CIP-40-911.1, South Bay Pump Station and Conveyance System - Phase 1 to Sewer Fund 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station - Package A;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$915,000 from Sewer Fund 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station - Package A, to satisfy the judgement in San Diego County Superior Court Case No. 727522, entitled The City of San Diego v. McClurken Machinery, Inc., and to fund any attorneys' fees and litigation expenses that may be awarded by the Court to the property owner or incurred by the City.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution R- 290988, adopted November 24, 1998 and Resolution R-291565, adopted May 4, 1999, Council authorized condemnation proceedings to acquire necessary property rights for the South Bay Reclamation Sewer and Pump Station - Package A. As a result of the condemnation proceedings, additional funds are required to pay the sum awarded as just compensation by a Superior Court jury in the condemnation proceedings titled City of San Diego v. McClurken Machinery, Inc. (San Diego Superior Court Case No. 727522); a potential award of attorneys fees and costs to the property owner; and accumulated costs for experts, litigation costs and expenses, labor, and other miscellaneous costs of the City.

FISCAL IMPACT:

This action will approve the transfer of funds in the amount of \$915,000 from Sewer Fund 41509, CIP-40-911.1, South Bay Pump Station and Conveyance System - Phase 1 to Sewer Fund 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station - Package A to cover the costs related to this action.

Loveland/Griffith/SAC

Aud. Cert. 2001085.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118: Establishment of a Street Banner District for the Point Loma Community.

(District-2)

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1284) ADOPTED AS RESOLUTION R-293101

Declaring that in accordance with San Diego Municipal Code Section 142.1210, a total of not more than 78 banners may be installed on light poles and existing street banner poles on the following streets: North Harbor Drive from Nimitz Boulevard to Rosecrans Street; Rosecrans Street from Russell Street to Upshur Street; Scott Street from North Harbor Drive to Upshur Street; and Shelter Island Drive from Rosecrans Street to the traffic circle. Side-by-side banners shall be permitted along Harbor Drive and the traffic circle on Shelter Island Drive. Single banners shall be permitted on the remaining sites;

Declaring that the Point Loma Association or its designee shall sponsor and maintain the banners;

Declaring that the banners shall be installed and maintained in accordance with the following:

- a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted. The total area of logos and trademarks shall be limited to five percent of the banner area.
- b. The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.
- c. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- d. The banners have received all necessary permits to locate in the public right-of-way.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT WITH THE UNDERSTANDING THAT IF THE PENINSULA CHAMBER OF COMMERCE CREATES A BUSINESS IMPROVEMENT DISTRICT (BID), THAT BID WILL TAKE THE LEAD. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119: Motorcycle Awareness Month.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1338) ADOPTED AS RESOLUTION R-293102

Proclaiming the month of May 2000 to be "Motorcycle Awareness Month" in San Diego, and commending the organizers and volunteers for their leadership, vision and dedication to the safety of all street and highway users in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120: Ben Dillingham Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1264) ADOPTED AS RESOLUTION R-293103

Recognizing the commitment to community service that Ben Dillingham has shown through his extensive philanthropic endeavors and volunteer efforts, and commending him for his integrity, compassion, and sound judgement;

Proclaiming April 22, 2000 to be "Ben Dillingham Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121: Greater Apostolic Faith Temple Church, Inc. Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1231) ADOPTED AS RESOLUTION R-293104

Proclaiming June 6, 2000 to be "Greater Apostolic Faith Temple Church, Inc. Day" in San Diego in honor of 75 years of service and dedication to the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-122: Excusing Mayor Susan Golding from the Rules Committee Meeting and the Council Meetings of April 17 and 18, 2000.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1270) ADOPTED AS RESOLUTION R-293105

Excusing Mayor Susan Golding from attending the Rules, Finance and Intergovernmental Relations Committee Meeting and the Council Meetings of April 17 and 18, 2000, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-123: Settlement of the Personal Injury Claims of Janice Aud and Alina Cadena.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1289) ADOPTED AS RESOLUTION R-293106

A Resolution approved by the City Council in Closed Session on Tuesday, April 11, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$30,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries of Janice Aud and Alina Cadena (Superior Court Case No. 729499, Janice Aud and Alina Cadena v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$30,000 made payable to Janice Aud and Alina Cadena and their attorney of record Clarice J. Letizia, in full settlement of the lawsuit and all claims which occurred on December 3, 1996;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claims of Janice Aud and Alina Cadena against the City of San Diego, its agents and employees, as a result of an incident which occurred on December 3, 1996.

Herring/Oliva/JE

Aud. Cert. 2001072.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-124: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2000-1237) ADOPTED AS RESOLUTION R-293107

Declaring a continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-125: Agreement with Deloitte & Touche LLP for Best Management Practices Study.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1309) ADOPTED AS RESOLUTION R-293108

Authorizing the City Manager to execute an agreement with Deloitte & Touche LLP, to provide the best management practices consulting services and study of the operations of the City's Occupational Safety and Health, Workers' Compensation, and Long-Term Disability Programs, including recommendations for information systems and implementation strategies;

Declaring that the consulting services shall be provided at an estimated cost of \$293,216 from DP A-List Fund 50066, Job Order No. 000009.

CITY MANAGER SUPPORTING INFORMATION:

This Best Management Practices Study (BMPS) will provide recommendations that when implemented should lead to greater levels of operating efficiency Citywide. It is anticipated that implementation of the BMP will lead to: 1) fewer injuries and lower program costs; 2) increased effectiveness of the City's Loss Control efforts; 3) increased Citywide departmental/managerial accountability for loss prevention and cost containment, via implementation of an experience-based cost allocation system; and, 4) a progressive, highly functional and user-friendly risk management information system. All of the above is closely allied with Select Committee efforts and the Zero-based Management Review Team's recommendations on the Risk Management Department.

After review by a Consultant Selection Panel, convened and operated in accordance with A.R. 25.70, Deloitte & Touche (D.T.) was selected as the highest rated candidate for the performance of a BMPS. D&T distinguished itself with a clearly stated, yet sophisticated, project methodology; highly qualified staff; impeccable references for work in organizations and on projects of similar size and scope; an industry leading state-of-the-art risk management information system laboratory; and reports/recommendations written at a level of clarity and detail which increased Selection Panel confidence in the City's ability to obtain a meaningful quality end-product.

Therefore, the Risk Management Department is requesting authorization to enter into an agreement with Deloitte & Touche (D&T) for performance of the BMPS. This study is considered an integral part of the City's newest model for the implementation of information systems. The model, designed through the Information Technology & Communication Department, calls for a three-phased approach which includes: 1) a BMPS; 2) a business process re-engineering phase which incorporates the results of the BMPS; and 3) the purchase of an off-the-shelf software/web-based system which supports the new business processes resulting from the re-engineering efforts.

The BMPS will provide a detailed analysis of current City practices in the areas of occupational safety and health, workers' compensation and long term disability. By contract, D&T will identify best management practices (BMP) in both the private and public sectors to ensure that the recommendations provided will consist of the most highly effective business practices

utilized in the insurance industry. D&T will provide a list of BMP for each subject area, a number of alternatives for the City to pursue for “best fit”, the advantages of each and assistance in developing an implementation strategy. At the City's option, D&T may participate in the actual implementation process.

FISCAL IMPACT:

\$293,216 - The total impact to the Fiscal Year 2000 budget is estimated to be \$293,216 from the DP A-List fund 50066, Job Order 000009.

Herring/Oliva/RG

Aud. Cert. 2001089.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126: Agreement with Dudek & Associates, Inc. for Bonita Pipeline Phase II.

(Mount Hope, Chollas View, Mountain View, and Golden Hill Community Areas.
Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1147) ADOPTED AS RESOLUTION R-293109

Authorizing the City Manager to execute an agreement with Dudek & Associates, Inc. to provide design and construction support services for the Bonita Pipeline Phase II project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$286,000 from Water Revenue Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II, for funding the agreement and related in-house engineering costs, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are deposited in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Bonita Pipeline was constructed in 1915 and conveys water from both the Alvarado and Otay Filtration Plants to service customers in the central and southeastern portions of the City. To ensure a safe and reliable water supply to these communities, the 80 year old portions of the pipeline were scheduled for replacement due to its age and deteriorated condition. The replacement project was divided into three phases: Bonita Pipeline Phase IA, IB and II. This agreement for the design of the Bonita Pipeline Phase II will provide engineering services to replace the remaining sections of the original pipeline.

In July, 1993, the City Council authorized the construction of the Bonita Pipeline Phase IA project (R-282276). Phase IA replaced approximately 1.1 miles of the original Bonita Pipeline with a 24 and 48 inch pipeline between the "new" Bonita Wye at the intersection of Parkside and Garber Avenues and the intersection of Banbury Street and Reo Drive.

In June, 1994, the City Council authorized the construction of the Bonita Pipeline Phase IB project (R-284105). Phase IB replaced approximately 3.2 miles of the original Bonita Pipeline with a 24 inch pipeline between Imperial and Euclid Avenues and Reo and Rancho Hills Drives.

The Bonita Pipeline Phase II project will replace the three remaining sections of the Bonita Pipeline installed in 1915 with a 30 inch pipeline. These three sections total approximately 2,490 linear feet and are located between the intersections of 45th Street and Imperial Avenue and 31st Street and Broadway.

The City's as-needed consultant process was used to interview the most qualified consultants. Six firms were interviewed and resulted in the selection of Dudek & Associates, Inc. as the most qualified firm to provide the required professional services. Dudek & Associates, Inc. is familiar with the City's water system and has experience providing design and construction support for pipeline projects.

FISCAL IMPACT:

Funding for the engineering consultant and related in-house engineering costs in the amount of \$286,000 is available from Water Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II.

Belock/Gardner/NMK

Aud. Cert. 2001039.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-127: Agreement with Law/Crandall for As-Needed Geotechnical Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1260) ADOPTED AS RESOLUTION R-293110

Authorizing an agreement with Law/Crandall, for As-Needed Geotechnical Services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$250,000 from Water Revenue Fund 41500, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department will be implementing a number of projects in the future as a part of the Capital Improvements Program. Geotechnical Consulting Services are needed on an as-needed basis to provide geotechnical services that would include evaluation of subsurface conditions during site selection; subsurface exploration and characterization; recommendations for site preparation, foundation and seismic design; review of technical reports; and construction observation and testing services during site preparation, grading, and foundations construction. The City As-Needed Consultant process was used in order to interview the most qualified consultants. On December 3, 1999 a Selection Panel convened and interviewed five short-listed geotechnical companies and selected Law/Crandall as the most qualified As-Needed geotechnical firm to support the CIP Program.

The Water Department will identify projects that will benefit from as-needed services during the course of this agreement. The selection of projects benefitting from as-needed services will be based upon size, complexity, and cost.

FISCAL IMPACT:

Funding in the amount of \$250,000 for the As-Needed Engineering Services is available from the Water Revenue Fund 41500.

Belock/Gardner/OK

Aud. Cert. 2001041.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128: Agreement with Robert Bein, William Frost and Associates for As-Needed Civil Engineering Services.

(University, Mira Mesa, Scripps Miramar Ranch, Miramar Ranch North and Peñasquitos East Community Area. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1310) ADOPTED AS RESOLUTION R-293111

Authorizing an agreement with Robert Bein, William Frost and Associates for reclaimed water retrofit projects;

Authorizing the expenditure of not to exceed \$250,000 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for civil engineering services on an as-needed basis. These services will include the preparation of engineering and design drawings for various reclaimed water distribution projects. On May 29, 1999, 11 firms submitted Statements of Qualifications (SOQ's) to the City's Consultant Services Coordinator. Eight firms were short-listed from the SOQ's submitted, and six were selected for an interview, two of which withdrew from the interview process. In August 1999, four firms were interviewed in accordance with Council Policy 300-7, and Robert Bein, William Frost & Associates was selected. One other firm, Water 3 Engineering, was also selected and agreements are forthcoming for the other consultant selection. Agreement tasks will be performed on a time and material basis. This agreement will terminate in two years from the date of execution by the City Manager. Existing potable water irrigation systems or other facilities intended for the use of reclaimed water must be "retrofitted" for such use before reclaimed water is provided to the user. Improvements required may include installation of backflow preventer devices, separation of the reclaimed water system from the potable water system, the identification of reclaimed water system components by marking and tagging and the installation of signs to inform the public that reclaimed water is being used, and the installation of new piping systems as required.

The retrofitting process includes the assessment and evaluation of existing facilities and the design, plan checking, construction, inspection and testing of the required modifications by City staff and County Health Department Staff. The cost of retrofitting varies greatly depending on

present user site conditions. Reclaimed Water Engineering Staff of the Water Resources Management Division of the Water Department is aggressively pursuing these potential customers and working with Consultants specializing in reclaimed water retrofitting to have these customers ready to accept reclaimed water when it becomes available. When approved, the City Manager will authorize the Reclaimed Water Coordinator to approve Consultant Tasks up to the Agreement amount.

FISCAL IMPACT:

The total agreement is \$250,000. Funding is available from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, \$250,000.

Belock/Gardner/MAH

Aud. Cert. 2001093.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-129: Agreement with Water 3 Engineering for As-needed Civil Engineering Services.

(University, Mira Mesa, Scripps Miramar Ranch, Miramar Ranch North, and Peñasquitos East Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1276) ADOPTED AS RESOLUTION R-293112

Authorizing an agreement with Water 3 Engineering for reclaimed water retrofit projects;

Authorizing the expenditure of an amount not to exceed \$250,000 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit System.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for civil engineering services on an as-needed basis. These services will include the preparation of engineering and design drawings for various reclaimed water distribution projects. On May 29, 1999, eleven firms submitted Statements of Qualifications (SOQ's) to the City's Consultant Services Coordinator. Eight firms were short-listed from the SOQ's submitted, and six were selected for an interview, two of which withdrew from the interview process. In August 1999, four firms were interviewed in accordance with Council Policy 300-7, and Water 3 Engineering was selected. One other firm, Robert Bein, William Frost and Associates, was also selected and agreements are forthcoming for the other consultant selection. Agreement tasks will be performed on a time and material basis. This agreement will terminate in two years from the date of execution by the City Manager. Existing potable water irrigation systems or other facilities intended for the use of reclaimed water must be "retrofitted" for such use before reclaimed water is provided to the user. Improvements required may include installation of backflow preventer devices, separation of the reclaimed water system from the potable water system, the identification of reclaimed water system components by marking and tagging and the installation of signs to inform the public that reclaimed water is being used, and the installation of new piping systems as required.

The retrofitting process includes the assessment and evaluation of existing facilities and the design, plan checking, construction, inspection and testing of the required modifications by City staff and County Health Department Staff. The cost of retrofitting varies greatly depending on present user site conditions. Reclaimed Water Engineering Staff of the Water Resources Management Division of the Water Department is aggressively pursuing these potential customers and working with Consultants specializing in reclaimed water retrofitting to have these customers ready to accept reclaimed water when it becomes available. When approved, the City Manager will authorize the Reclaimed Water Coordinator to approve Consultant Tasks up the Agreement Amount.

FISCAL IMPACT:

The total agreement is \$250,000. Funding is available from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, \$250,000.

Belock/Gardner/MAH

Aud. Cert. 2001057.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-130: Consultant Services Agreement with Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-764) ADOPTED AS RESOLUTION R-293113

Authorizing an amendment to the Agreement with Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, for consulting services concerning a Proposed New Ballpark and Redevelopment Project, in an amount not to exceed an additional \$42,000.

SUPPORTING INFORMATION:

The City has previously entered into agreements with the firms of Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, and Long, Aldridge & Norman, LLP, for consultant services related to the ballpark and redevelopment project. The amount most recently approved by Council for each agreement was \$100,000, for total expenses for each firm of \$625,000.

Billings for Jacobs, Chase, et al., have slightly exceeded the authorized amount, while billings for Long, Aldridge & Norman, have been slightly below the authorized amount. This action increases the authorized amount for Jacobs, Chase, et al., sufficient to cover current billings. There is no net increase in funding for all consultant services rendered by the two firms.

Herring/Girard

Aud. Cert. 2000978 Rev.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-131: Point Loma - Digester Facility Upgrade and Expansion, Change Order 23.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1261 Cor. Copy) ADOPTED AS RESOLUTION R-293114

Authorizing the City Manager to negotiate and execute Change Order No. 23 with Nielsen Dillingham Builders in connection with the contract for the Point Loma Digester Facility Upgrade and Expansion, in an amount not to exceed \$300,000;

Authorizing the Auditor and Comptroller to transfer \$300,000 from Fund No. 41508, CIP-45-911.0, South Metro Rehabilitation, to Fund No. 41509, CIP-46-170.0, Point Loma - Digester Facility Upgrade and Expansion;

Authorizing the expenditure of an amount not to exceed \$650,000 as follows: \$300,000 from Fund No. 41509, CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion to fund Change Order No. 23; and \$350,000 from Fund No. 41509, CIP-46-502.0, Clean Water Program Annual Allocation - Pooled Contingency, to provide funds for project contingency.

CITY MANAGER SUPPORTING INFORMATION:

In 1993, City Council authorized the design for over \$50 million of improvements to the digester system at the Point Loma Wastewater Treatment Plant. To distribute the construction work, five bid packages were originally developed for construction over a five year period. One of these projects, the Central Boiler Facility & Gallery Piping Upgrades (CBF) was designed to provide the plant with a new boiler facility which would produce hot water to heat all existing and future digesters via a new epoxy lined pipeline. This project is being constructed by Nielsen Dillingham Builders (NDB) and has a current contract amount of \$9,355,616. Upon start-up of the CBF, the hot water pipeline experienced a catastrophic failure of its lining.

The impacts of this failure are significant. The plant is spending additional time and money on the old boiler system which would have been demolished had this failure not occurred. The startup of the new Digester No. 8 has been postponed indefinitely until the CBF comes back on line. The cause of this failure is under investigation to determine if it was caused by a construction and/or design deficiency. In order to minimize the impacts of this failure to the plant and other construction contracts, two change orders had to be initiated. Change Order No. 20 for an amount not to exceed \$199,000 was given to NDB to commence repair of this facility. Change Order No. 22 was issued to NDB for an amount not to exceed \$150,000 to hire Euro Aqua Drill, a specialized lining removal company. The designer, Carollo Engineers, has provided the City with a check for \$150,000 to establish the subcontract for lining removal pending final resolution of accountability for the failure. It is recommended that Change Order No. 23 be authorized for an amount not to exceed \$300,000 to have NDB complete the repair of the facility. At the conclusion of the investigation, the City will be seeking reimbursement for the cost of this work from the responsible parties. In addition, it is recommended that an additional \$350,000 be authorized, for contingency to close out this contract. The \$350,000 will pay for additional boiler oxygen sensors that were air pollution control permit requirements not part of the original scope, piping revisions required to maintain plant operations, and additional fire protection.

FISCAL IMPACT:

The total cost of this action is \$650,000 from Fund 41509, CIP-46-170.0, Point Loma - Digester Facility Upgrade and Expansion.

Belock/Schlesinger/JAW

Aud. Cert. 2001060.

FILE LOCATION:

CONT - Nielsen Dillingham Builders

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-132: Agreement with URS, Granier, Woodward Clyde for Consultant Services for Assessment and Remediation Plans of Solid Waste Burn Sites.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1292) ADOPTED AS RESOLUTION R-293115

Authorizing the City Manager to execute an agreement with URS/Greiner/Woodward-Clyde, for consultant services for assessments and remediation plans of solid waste burn sites;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$20,000 from CIP-37-250.0 (Arizona Street Landfill Gas) to CIP-32-010.0 (Annual Allocation-Unclassified Disposal Site Closure);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$130,000 from CIP-37-004.0 (Annual Allocation - Miramar Landfill Improvements) to CIP-32-010.0 (Annual Allocation - Unclassified Disposal Site Closure);

Authorizing the expenditure of an amount not to exceed \$150,000 from CIP-32-010.0 (Annual Allocation - Unclassified Disposal Site Closure), Refuse Disposal Enterprise Fund, for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

Historical records show that trash was burned in the vicinity of 38th and Redwood Streets as far back as 1928. As a result, several parcels located at the intersection of 38th and Redwood Streets have been identified as a "burn ash site".

Soil sample results from previous investigations performed by the California Integrated Waste Management Board indicate the burn ash exceeds State regulatory hazardous waste levels for lead and zinc, which is common for soils found at old burn sites.

This proposed Agreement will provide for consultant services to further assess and delineate the extent of contamination at 38th Street Burn Site and other burn sites identified as having been operated by the City or where the City placed trash. Once the full extent of the contamination has been confirmed remediation options will be developed.

URS was selected in accordance with AR 2560. Five (5) consulting firms from the "As Needed Consultant" list were interviewed. URS is recommended based on their work on similar projects and their experience working with the State Department of Toxic Substance Control.

FISCAL IMPACT:

Funds for this action are available in Refuse Disposal Enterprise Fund CIP-32-010.0 (Annual Allocation-Unclassified Disposal Site Closure). This Agreement with URS shall not exceed \$150,000.

Belock/Hays/SMC

Aud. Cert. 2001069.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-133: Appointment and Reappointment to the Commission for Arts and Culture.

(See memorandum from Mayor Golding dated 5/2/2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1312) ADOPTED AS RESOLUTION R-293116

Council confirmation of the following appointment and reappointment by the Mayor to the Commission for Arts and Culture, as follows:

Appointment

Term Ending

Calvin Woo
(Filling unexpired term of Dorothy Hom,
deceased.)

August 31, 2000

Reappointment

Judith C. Harris - Chair

August 31, 2001

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-134: Appointments and Reappointments to the Park and Recreation Board.

(See memorandum from Mayor Golding dated 4/26/2000 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1279) ADOPTED AS RESOLUTION R-293117

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Park and Recreation Board, for terms ending as indicated:

<u>Reappointments</u>	<u>For Term Ending</u>
Booker T. Crenshaw, Jr., Chair	March 1, 2002
Greg Seremetis	March 1, 2002
John C. Leppert	March 1, 2002
Jim Austin	March 1, 2002
Doug Perry	March 1, 2002
<u>Appointments</u>	
M. Virginia (Ginny) Barnes (replacing Stuart Glasman, whose term has expired)	March 1, 2002
Kevin L. Faulconer (replacing Celeste Weinsheim, whose term has expired)	March 1, 2002

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C014-085.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-135: Carmel Mountain Open Space Preserve.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1278) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute a Grant Agreement with The California Wildlife Conservation Board for the grant of \$1,440,000 to be used to acquire real property for the Carmel Mountain Open Space Preserve;

Authorizing the City Manager, upon approval of the Grant Agreement by The California Wildlife Conservation Board, to acquire the approximately 4.75 acres comprised of Lots 39, 40, 41, 42, 53, and 54 of Map No. 13878, and to open escrow for the acquisition. The grant funds of \$1,440,000 are to be deposited directly into the escrow by The California Wildlife Conservation Board.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of the following proposal under the State of California Wildlife Conservation Board's Land Acquisition Program. The San Diego City Council adopted the MSCP on March 18, 1997. This grant would allow the City to obtain State funding for the acquisition of a portion of Carmel Mountain including six building lots, vernal pool habitat and associated buffer areas totaling 4.75 acres of the Torrey Surf property in Carmel Valley Neighborhood 8A.

On August 2, 1999, staff provided a closed session briefing to the City Council on the negotiations for real property acquisition with Standard Pacific Homes Inc. (owner). Among the 12 points of negotiation was the commitment from the State and Federal Wildlife Agencies to pay Standard Pacific Homes up to \$1.6 million in non-recourse funding for a pro-rata share of 23 building lots. Since August 2, 1999, several points of these negotiations have been modified by mutual agreement including the conveyance of real property. As the owner in fee title and land manager of the adjacent properties on Carmel Mountain and in the interest in expediting the real property acquisition, the State has requested that the City accept the state funds via this grant request and to assume fee title of the subject property directly from Standard Pacific Homes. Council authorization to enter into the Real Property Acquisition Grant Agreement is a prerequisite for The Wildlife Conservation Board action. This grant application is currently docketed for consideration on the May 24, 2000 Board meeting.

FISCAL IMPACT:

If awarded, the City will receive up to \$1.44 million from the Wildlife Conservation Board. All appraisal and transaction costs will be covered by the State's grant. On-going management and monitoring costs have been anticipated and estimated within the scope of the MSCP program. Incremental annual costs are addressed through the City's annual budget process.

Loveland/Griffith/BLM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B075-080; C014-085.)

CONSENT MOTION BY MATHIS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Proposed Amendments to the San Diego Municipal Lobbying Ordinance.

(See City Clerk Report CC-00-02.)

CITY CLERK'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-169) INTRODUCED, TO BE ADOPTED ON MAY 30, 2000

Introduction of an Ordinance amending Chapter II, Article 7, Division 40 of the San Diego Municipal Code by amending Section 27.4002; adding new section 27.4014; and by amending Section 27.4023, all relating to the San Diego Municipal Lobbying Ordinance.

RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 4/17/2000, RULES voted 3-0 to forward the proposed amendments to full Council for

approval. (Councilmembers Mathis, Warden and Vargas voted yea. Councilmember Wear and Mayor Golding not present.)

SUPPORTING INFORMATION:

On October 4, 1999, the Rules Committee approved certain housekeeping amendments to the San Diego Municipal Lobbying Ordinance as well as expressed an interest in expanding the scope of the Ordinance to include City agencies. Additionally, on January 7, 2000, the Rules Committee directed the City Clerk to prepare two additional potential amendments to the Ordinance. On April 17, 2000, the Rules Committee approved the proposed amendments and forwarded the action to full Council for adoption.

Abdelnour

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: Efforts to Encourage New Retail Gasoline Stations and Reduce the Price of Gasoline.

(See City Manager Report CMR-00-78 and memorandum from Intergovernmental Relations Department, addendum to City Manager Report CMR-00-78.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1159) ADOPTED AS RESOLUTION R-293118

Directing the City Manager to continue the City's voluntary gasoline price reporting program on the City Access cable channel and the basic price reporting on the City's web page;

Directing the City Manager to encourage the use of the City's alternative transportation and conservation measures;

Directing the City Attorney to continue to monitor state and federal legislation and actions regarding gasoline pricing;

Directing the City Manager to amend Council Policy 900-12 to provide expeditious processing for applications that develop or retain wholesale fuel terminals, and gasoline stations that provide additional community benefit or alternative fuels.

RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 5/1/2000, RULES voted 4-0 to approve on consent the City Manager's recommendations on Efforts to Encourage New Retail Gasoline Stations and Reduce the Price of Gasoline. (Councilmembers Mathis, Wear, Warden and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea (nay on the portion that directs City Manager to provide expeditious processing for applications of gas stations), Vargas-yea, Mayor Golding-yea.

ITEM-152: Americans with Disabilities Act (ADA)/Title 24 Compliance.

(See City Manager Report CMR-00-83.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1269) CONTINUED TO THE BUDGET DELIBERATION PROCESS

Approving and adopting the Americans with Disabilities Act (ADA)/Title 24 Compliance resolution as approved by the Public Safety and Neighborhood Services Committee on April 19, 2000.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 4/19/2000, PS&NS voted 4-0 to accept the City Manager's recommendations with the understanding that the City Manager shall include the additional funding needed for this program in the City budget revisions to be presented to the City Council in June 2000. The City Manager was also directed to return to the Public Safety and Neighborhood Services Committee following the implementation of the recommendations with a report detailing the additional staff and money needed to improve the City's ADA compliance program. (Councilmembers Mathis, Stevens, Warden and Stallings voted yea. Councilmember Wear not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B342-587.)

MOTION BY McCARTY TO CONTINUE TO THE BUDGET DELIBERATION PROCESS. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-153: City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Report for Fiscal Year 1999.

(Continued from the meeting of April 17, 2000, Item 152, at the City Manager's request, to identify firms used and available by ethnicity.)

(See City Manager Report CMR-00-17.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-1058) ADOPTED AS RESOLUTION R-293119

Accepting the Interim Equal Opportunity Contracting Program's (EOCP) Annual Status Report for FY1999 as set forth in City Manager Report CMR- 00-17.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 2/23/2000, PS&NS voted 4-0 to accept the report and forward it to City Council for review and adoption. (Councilmembers Mathis, Stevens, Warden, and Stallings voted yea. Councilmember Wear not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-154: Trespass Ordinance at Municipal Reservoirs.

(See City Manager Report CMR-00-57; and Barbara Cleves' letter.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-65 Cor. Copy) INTRODUCED, TO BE ADOPTED, MAY 30, 2000

Introduction of an Ordinance amending Chapter VI, Article 7 of the San Diego Municipal Code by amending Section 67.45 relating to Regulation of Activity on Water Department Property, establishing a trespassing ordinance at Hodges, Sutherland, San Vicente, El Capitan Lower and Upper Otay, Barrett and Morena Reservoirs.

NATURAL RESOURCES & CULTURE COMMITTEE'S RECOMMENDATION:

On 3/29/2000, NR&C voted 5-0, to approve the recommendation of the City Manager and note for the record that the trespass ordinance should not apply to urban lakes that are used for recreation (for example Lake Murray, Miramar Lake, Lake Chollas, and Lake Kumeyaay). (Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed amendment to the Municipal Code consists of a new code section to establish a late night curfew at the Hodges, Sutherland, San Vicente, El Capitan, Lower and Upper Otay, and Barrett reservoirs and adjoining City-owned properties. This new code section is in response to concerns by Rancho Bernardo residents adjoining the Hodges Reservoir property regarding problems on City property (vandalism, fire danger, underage activities, etc.) The Water Department shares these concerns for unauthorized and unsupervised use of the reservoirs and associated properties during the time the facilities are not open to the public.

FISCAL IMPACT:

There is no additional cost with this action.

Loveland/Gardner/JGB

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Impasse Procedure.

TODAY'S ACTION IS: IMPASSE PROCEDURE PROVIDED

Providing an impasse procedure, if necessary, for Management and Labor Organizations currently involved in negotiations.

CITY MANAGER SUPPORTING INFORMATION:

The current Memorandums of Understanding and Council Policy 300-6 provide that Labor Organizations have a right to a Council hearing on any issues at impasse at the conclusion of negotiations.

The purpose of the impasse meeting shall be to identify and specify in writing the issue or issues that remain in dispute; to review the position of the parties in a final effort to resolve such disputed issue or issues; and if the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedure contained in Council Policy 300-6.

Uberuaga/Kelley

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C264-355.)

ITEM-201: Rancho Santa Fe Driving Range and Park.

(Continued from the meeting of April 11, 2000, Item 334, at the request of Mayor Golding and Deputy Mayor Mathis, due to lack of time.)

Matter of recommending approval, conditional approval or denial of the Rancho Santa Fe Driving Range and Park. This project proposes the construction and operation of a recreational facility consisting of a golf practice range, three 9 hole putting courses, a roller hockey facility and ancillary uses on a 26.9 acre site for a period of ten years. The project site is located at the southeast corner of Via de la Valle and El Camino Real, is zoned AR-1-1, Flood Plain Fringe, Hillside Review Overlay and is in the North City Future Urbanizing Area. The legal description of the property is a portion of Section 6, Township 14 South, Range 3 West, SBBM.

The Rancho Santa Fe Driving Range and Park project requires an amendment to Section 141.0618 of the Municipal Code to permit a youth sports facility on this property subject to the approval of a Conditional Use Permit. In conjunction with this amendment, a Conditional Use Permit and Resource Protection Ordinance Permit are being requested.

(CUP/RPO 96-7315. North City Future Urbanizing Area. District-1.)

NOTE: Hearing open for those who did not speak on 4/11/2000. Testimony taken on 4/11/2000. Those who already spoke on 4/11/2000 will not be allowed further comment. The following people spoke on 4/11/2000: Walter Bregmon, Barbara Madresh, David Herzer, Sally Duff, Larry Fuller, Louis Harris, Ann Gardner and Steve Tierney.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A; adopt the resolution in Subitem B to grant the permit; and introduce the ordinance in Subitem C:

Subitem-A: (R-2000-1123) TRAILED TO TUESDAY, MAY 16, 2000, DUE
TO THE LACK OF FIVE AFFIRMATIVE VOTES

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7315 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Environmental Impact Report has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project;

Adopting the Findings and Statement of Overriding Consideration; and adopting the Mitigation, Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-1521) TRAILED TO TUESDAY, MAY 16, 2000,
DUE TO LACK OF FIVE AFFIRMATIVE
VOTES

Adoption of a Resolution granting or denying Conditional Use (CUP) and Resource Protection Ordinance (RPO) Permits No. 96-7315.

Subitem-C: (O-2000-160) TRAILED TO TUESDAY, MAY 16, 2000, DUE
TO LACK OF FIVE AFFIRMATIVE VOTES

Introduction of an Ordinance modifying Chapter XIV, Article 1, Division 6, Section 141.0618 of the San Diego Municipal Code to allow for a youth sports facility proposed on an interim basis, where currently such a use is not permitted, subject to the approval of a Conditional Use Permit.

OTHER RECOMMENDATIONS:

Planning Commission voted 4 - 0 to deny; was opposition.

Nays: Brown, Stryker, White, Steele

Abstaining: Anderson, Butler

Not present: Skorepa

The Planning Commission serves as the planning group for the Future Urbanizing Area (FUA) per Council Policy 600-5. Pursuant to the action taken by the Planning Commission on February 17, 2000, a recommendation of denial has been made.

SUPPORTING INFORMATION:

The Rancho Santa Fe Golf Range and Park proposes the amendment of the Municipal Code to permit "youth sports facilities" in agricultural zones in the Future Urbanizing Area and the development of a youth sports facility encompassing a 60 tee driving range, three 9 hole putting courses, a roller hockey facility and associated improvements on a 23.9 - acre portion of a 26.9 acre site. The subject property is located at the southeast corner of the intersection of El Camino Real and Via de la Valle North City Future Urbanizing Area.

On February 17, 2000, the Planning Commission considered this project. Following three hours of public testimony predominantly in opposition to the project, the Planning Commission voted 4 to 0, with two abstentions and one commissioner absent, to recommend to City Council the denial of all actions associated with this project. The City Manager recommends that City Council take the following actions:

1. CERTIFY that the information contained in LDR No. 96-7315 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Environmental Impact Report reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project.

2. APPROVE modification of Chapter XIV, Article 1, Division 6, Section 141.0618 of the Municipal Code to allow for a youth sports facility proposed on an interim basis, where currently such a use is not permitted, subject to the approval of a Conditional Use Permit.

3. APPROVE Conditional Use Permit (CUP) and Resource Protection Ordinance (RPO) Permit No. 96-7315.

FISCAL IMPACT: None.

Loveland/Christiansen/RWD

LEGAL DESCRIPTION:

The proposed project is located on the south side of Via de la Valle, immediately east of El Camino Real West, in the North City Future Urbanizing Area and as more particularly described as a portion of Section 6, Township 14 South, Range 3 West, SBBM. Zoning of the property is AR-1-1, Flood Plain Fringe, and Hillside Review.

FILE LOCATION: PERM 96-7315 (65)

COUNCIL ACTION: (Tape location: C360-F-521.)

Hearing began at 3:59 p.m. and halted at 6:13 p.m.

Testimony in opposition by : Mike McDade, Cathleen Weber, David Abrams, William Lamm, Marvin Girst, Christy Houghlen, Jack McGee, Don Willis, Gary Firestein, Jacqueline Winterer, Michael Bart, Paula Mendell, Lisa Ross, Juanita Dalry, Anne Harvey, Dick Bobert, Robert Dalry, Susan Brandt, Barbara Casino, Molly Fredrickson, Steven Brennehan, John Seitman, Scott Peters, Gabriele Prater, Anne Mayer.

Testimony in favor by: Donald Worley, Professor T.C. Hu, Jim Dawe, Jane Hu, Dean Reinmuth, Gary Bosstick

Motion by Mathis to adopt. Second by Warden. Failed. Yeas-1, 2, 5, 7.
Nays-4, 6, 8, M. Not Present-3.

Mayor Golding announced that this item will trail to Tuesday, May 16, 2000, due to a lack of five affirmative votes.

ITEM-202: Office Space Lease Amendment - City Treasurer/Financial Management Department.

(Centre City Community Area. District-2.)

(Continued from the meeting of May 1, 2000, Item 58, at the City Manager's request, for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/10/00. (Council voted 6-3. Councilmembers Mathis, Wear, Warden, Stallings, McCarty and Mayor Golding voted yea. Councilmembers Kehoe, Stevens, and Vargas voted nay):

(O-2000-161) ADOPTED AS ORDINANCE O-18804 (New Series)

Authorizing the execution of a Sixth Amendment to Lease with Civic Center Associates for office space of approximately 11,239 square feet on the 1st floor of the Civic Center Plaza Building, for the City Treasurer's Department, commencing July 1, 2000 and terminating July 23, 2014, at an initial monthly rent of \$15,172.65;

Authorizing the expenditure of an amount not to exceed \$182,071.80 from the General Fund 100 for rent from FY 2001 budget, contingent upon the approval of the FY 2001 budget by the Mayor and City Council.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - Civic Center Associates

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-203: Office Space Lease Amendment - 600 "B" Street.

(Centre City Community Area. District-2.)

(Continued from the meeting of May 1, 2000, Item 59, at the City Manager's request, for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/10/00. (Council voted 6-3. Councilmembers Mathis, Wear, Warden, Stallings, McCarty and Mayor Golding voted yea. Councilmembers Kehoe, Stevens, and Vargas voted nay):

(O-2000-144) ADOPTED AS ORDINANCE O-18805 (New Series)

Authorizing the City Manager to execute a third amendment to the office lease, commencing August 25, 2000 and terminating May 31, 2003, with 400 West Broadway, LLC.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - 400 West Broadway, LLC, dba Kowa Real Estate California, Inc.

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-204: Approving the Plans and Specifications and Inviting Bids and Amendment #5 for Telemetry Control Systems - SCADA - Phase II.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1205) ADOPTED AS RESOLUTION R-293120

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and authorizing the Contract Services Division of the City of San Diego to invite bids for the Telemetry Control Systems - SCADA - Phase IIa on Work Order No. 185491;

Authorizing a contract with the lowest responsible bidder;

Authorizing the City Manager to execute the fifth amendment to the agreement with EMA Services, Inc., to perform engineering consultant services for Telemetry Control Systems - SCADA - Phase II for an amount not to exceed \$1,554,255;

Authorizing the Auditor and Comptroller to transfer \$190,000 from Water Fund 41500, CIP-73-308.0, Telemetry Control Systems - SCADA - Phase I, \$1,900,000 from Water Fund 41500, CIP-72-920.0, North City Water Treatment Plant, and \$454,000 from Water Fund 41500, CIP-70-910.5, Miramar Pipeline Improvements - Phase III to Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II;

Authorizing the appropriation and expenditure, not to exceed \$3,063,255 from Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II, for the purpose of providing funds for the project and related costs, provided that the City Auditor first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the City Manager to do by City Forces all the work to provide system implementation as required in connection with Telemetry Control Systems - SCADA - Phase II, pursuant to recommendation of the City Manager and submission of estimates by him indicating that the work can be done by the City Forces more economically than if let by contract. The cost of the work shall not exceed \$295,000. (BID-K20072C)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is designing Phase II of a two phase program to install a modern Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will monitor and control all critical water distribution sites. Phase I included the central control and operations components as well as Remote Control Panels (RCPs) at 42 of the water distribution sites. Due to additional work that has been identified, Phase II has been divided into three (3) parts, Phase IIa, IIb, and IIc. Phase IIa includes the installation of RCPs to control 60 additional water distribution sites. Phase IIb includes remediation work at 36 existing sites, and Phase IIc includes installation of RCPs at 29 large meter sites.

This Council action funds the construction of RCPs for Phase IIa and Amendment #5 with EMA Services, Inc., the existing SCADA consultant, to provide continued pre-design, design, data systems integration, and construction services for the completion of this project. Additional database and application support from San Diego Data Processing Corporation will be required at a cost not to exceed \$175,000.

FISCAL IMPACT:

The total estimated cost of Phase IIa is \$3,702,185 of which \$3,063,255 is available from Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II and \$638,930 previously authorized by Council Resolution R-291918. Included in the above project cost estimate is \$295,000 for City forces work.

Loveland/Belock/HR

Aud. Cert. 2001056.

WWF-00-448.

FILE LOCATION: W.O. 185491

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: Two actions related to Approving Plans and Specifications and Inviting Bids for Sewer Group 635.

(Uptown and Centre City Community Areas. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1203) ADOPTED AS RESOLUTION R-293121

Approving the plans and specifications and authorizing the Contract Services Division of the City of San Diego to invite bids for the Construction of Sewer Group Job 635 on Work Order No. 173381/441075;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller to transfer \$1,916,715 from Sewer Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement to Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed \$2,217,115 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K20083C)

Subitem-B: (R-2000-1204) ADOPTED AS RESOLUTION R-293122

Certifying that Mitigated Negative Declaration LDR-99-0822 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency, and that the information

contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Construction of Sewer Group Job 635;

Adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group Job 635 is part of the City of San Diego's continuing annual sewer main replacement program. This project will include the installation of approximately 7,287 feet of eight-inch (8") sewer main and the rehabilitation of 186 feet of six-inch (6") sewer main. It also calls for the construction of 19 pedestrian ramps and slurry sealing the impacted City streets. The following streets will be affected by construction operations: Kettner Street, Kalmia Street, India Street, Laurel Street, Maple Street, State Street, Curlew Street, Nutmeg Street, Brant Street, Olive Street, Albatross Street, Bamson Place and Palm Street. All construction activity on Kettner Street and India Street will occur at night. Residents will be notified by the City, via mail, at least one (1) month prior to construction, and at least ten (10) days before the start of construction by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$2,217,115. Funds are available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2000982.

WWF-00449.

FILE LOCATION: CONT - BRH Garver, Inc.; W.O. 173381/441075

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Alliance of the City and County Library Adult Literacy Programs.

(See City Manager Report CMR-00-101.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1354) ADOPTED AS RESOLUTION R-293123

Authorizing an agreement with the County of San Diego to form an alliance between the San Diego Public Library's READ/San Diego Adult Literacy Program, and the San Diego County Library's Adult Literacy Service.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: National Register Endorsement of Veterans of War Memorial Building by the City Council.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1296) ADOPTED AS RESOLUTION R-293124

Endorsing and recommending that the San Diego Veterans War Memorial Building in Balboa Park be nominated to the National Register of Historic Places.

CITY MANAGER SUPPORTING INFORMATION:

On March 23, 2000, pursuant to Section 111.0206 of the Municipal Code, the City's Historical Resources Board voted to designate the Veterans of War Memorial Building in Balboa Park as a local historic resource.

The site was found to have historic value based on:

HRB CRITERIA A (Community historical, cultural, social, economic, political, aesthetic development)

HRB CRITERIA B (Significant events)

HRB CRITERIA C (Architecture)

HRB CRITERIA D (Master architect)

The Board further recommended that the City Council endorse the building's nomination to the National Register of Historic Places.

Loveland/Goldberg/AL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208: Amendment No. 1 to Regional Wastewater Disposal Agreement of 1998.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1283) ADOPTED AS RESOLUTION R-293125

Authorizing an amendment to the Regional Wastewater Disposal Agreement of May 18, 1998, to add the East Otay Mesa Sewer Maintenance District as a Participating Agency member in the Metropolitan Sewerage System, under the

terms and conditions set forth in Amendment No. 1, including amended Exhibits B and C to reflect the transfer of 1.0 million gallons per day of metro capacity rights from Spring Valley Sanitation District to the East Otay Mesa Sewer Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

On September 17, 1991, the Board of Supervisors, acting as the Board of Directors of the Spring Valley Sanitation District approved an agreement between SVSD and National City for the purchase of 1.0 million gallons per day of sewage capacity rights in the Metro System. This capacity would be held in reserve by SVSD for eventual transfer to a yet to be formed Sanitation District for the property. On May 18, 1998, the City of San Diego and the Participating Agencies of the Metropolitan Sewerage System approved the Regional Wastewater Disposal Agreement. This agreement has a provision for certain contract capacity rights in the Metropolitan Sewerage System (Metro). On June 16, 1999, the San Diego County Board of Supervisors approved the establishment of the East Otay Mesa Sewer Maintenance District (EOMSMD) to provide for sewage collection and conveyance services for the developing unincorporated area of East Otay Mesa. In accordance with Section XIV, GENERAL B, of the Regional Wastewater Disposal Agreement, a request was made to all Participating Agencies to approve an amendment to the Agreement to accept the EOMSMD as a Participating Agency member. Each Participating Agency has adopted a resolution approving the EOMSMD as a Participating Agency member. This amendment will add the EOMSMD as a Participating Agency member in the Metropolitan Sewerage System and amend Exhibits 'B' and 'C' to reflect the transfer of 1.0 million gallons per day of Metro Capacity Rights from SVSD to the EOMSMD.

FISCAL IMPACT:

No additional costs or revenues are anticipated.

Belock/Schlesinger/HRG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209: Consultant Agreement with McDaniels Engineering/T.Y. Lin, for Engineering Design for the Mission City Parkway Bridge over the San Diego River (Formerly Milly Way Bridge).

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1238) ADOPTED AS RESOLUTION R-293126

Authorizing an agreement with McDaniels Engineering/T.Y. Lin, for professional services for Engineering Design for the Mission City Parkway Bridge over the San Diego River (CIP-53-053.0);

Authorizing the appropriation of an amount not to exceed \$944,199.67 from Fund 392201 for CIP-53-053.0, Mission City Parkway Bridge over the San Diego River, for consultant services;

Authorizing the expenditure of not to exceed \$744,500 from Fund 392201 for CIP-53-053.0, Mission City Parkway Bridge over the San Diego River, for consultant services;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed consultant was selected in accordance with Council Policy 330-7. Five firms were certified by the Consultant Selection Coordinator and were interviewed by the Transportation and Drainage Design Division. The Director of Engineering and Capital Projects received recommendations from the Transportation and Drainage Design Division and selected McDaniels/ T.Y. Lin as the consultant for this project. The project fulfills a commitment as part of the Amended and Restated Development Agreement between the City of San Diego and the Mission City developer (H. G. Fenton Material Company), Ordinance 0-18508, Document 00-18508, filed May 4, 1998.

A portion of the total required \$2,660,000 has been deposited by the developer per the Development Agreement and along with the interest earned on the deposit, is being transferred to the Mission City Parkway Bridge over San Diego River (CIP-53-053.0) project. The proposed bridge and adjacent roadway improvements project are to be designed and constructed prior to the January 2003 Super Bowl event at Qualcomm Stadium.

FISCAL IMPACT:

The total project cost is estimated at \$7,080,000, of which \$2,660,000 will be received from the Mission City Developer pursuant to the Development Agreement. The source of the remaining \$4,420,000 is as yet unidentified, and will be discussed during deliberations of the FY 2001 budget.

Belock/Boekamp/HR

Aud. Cert. 2001012.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-210: Lease Agreement - LHO Mission Bay Hotel.

(See City Manager Report CMR-00-84. Mission Bay Community Area. District-2)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1181) ADOPTED AS RESOLUTION R-293127

Authorizing a percentage lease agreement with LHO Mission Bay Hotel, L.P., dba San Diego Paradise Point Resort, for the 50-year lease of hotel property, at an

initial annual rent of \$1,591,645. This lease agreement will not change the existing leasehold boundary.

FILE LOCATION: LEAS - LHO Mission Bay Hotel, L.P., dba San Diego
Paradise Point Resort

COUNCIL ACTION: (Tape location: B081-254; F560-G146.)

Motion by Stevens to continue for two weeks for further review. Second by Stallings.
Failed. Yeas-4, 5, 6. Nays-1, 2, 7, 8, M. Not Present-3.

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Warden-yea, Stallings-nay,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-211: Two Actions related to authorization to enter into a Joint Powers Authority for the
San Diego Regional Public Safety Training Institute.

(See City Manager Report CMR-00-98. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1280) ADOPTED AS RESOLUTION R-293128

Authorizing the City Manager to enter into a Joint Powers Agreement for the
formation of the San Diego Regional Public Safety Training Institute to be
operated at the Camp Nimitz portion of the Naval Training Center.

Subitem-B: (R-2000-1357) ADOPTED AS RESOLUTION R-293129

Stating for the record that the information contained in the final Environmental
Impact Statement/Environmental Impact Report No. 96-0255, adopted on October
20, 1998, including any comments received during the public review process, has
been reviewed and considered by the Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-212: Two actions related to the San Diego Naval Training Center (NTC) Property
Conveyance.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1313) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute a Memorandum of Agreement by and
between the United States of America and the City of San Diego for Economic
Development Conveyance and Public Benefit Conveyance at the former Naval
Training Center San Diego and to execute and accept such further documents as
may be necessary to implement the terms of the Memorandum of Agreement,
including various quitclaim deeds.

Subitem-B: (R-2000-1314) RETURNED TO THE CITY MANAGER

Stating for the record that the information contained in the previously certified
final Environmental Impact Statement/Environmental Impact Report LDR-96-
0255, including any comments received during the public review process, has
been reviewed and considered by the Council and it is determined that no
substantial changes or new information of substantial importance within the
meaning of CEQA Guideline 15162 would warrant any additional environmental
review in connection with approval of the Memorandum of Agreement by and
between the City of San Diego and The United States of America pertaining to the
Economic Development Conveyance and Public Benefit Conveyances at the
Naval Training Center (NTC).

FILE LOCATION: MEET (67)

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-213: Conversion of Michael D. Madigan from a Consultant to a Full-Time City Employee.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to convert the employment status of Michael D. Madigan from Consultant to full-time City employee.

CITY MANAGER'S RECOMMENDATION: Consider the request from Michael D. Madigan to convert his status from Consultant to full-time City staff.

CITY MANAGER'S SUPPORTING INFORMATION:

Michael D. Madigan is requesting that the Mayor and City Council consider changing his status from consultant to a San Diego City employee as allowed if it is "mutually agreed upon by the parties (City of San Diego and Michael D. Madigan)" as stated in both the Contract for Professional Services between the City of San Diego and Michael D. Madigan , to provide project management and oversight of the Ball Park and Redevelopment Project, and in Attachment A of the City Council Resolution R-291199 adopted on January 19, 1999. Section 12A of the Contract states: "If the project proceeds, and if mutually agreed upon by the parties, no later than July 1, 2000, the City Manager shall hire Consultant into the unclassified service of the City, under the supervision and control of the City Manager. The purpose of such hiring is to allow Consultant to gain additional years of creditable service in the City's retirement system,

which service is not available to Consultant under this Contract as an independent contractor. In the event of such hiring: 1) this Contract shall immediately be terminated, except that this Section 6 shall survive for so long as Consultant remains in the employ of the City; 2) Consultant's starting salary for purposes of City employment (salary) shall be equal to the Annual Base Fee which was in effect pursuant to Section 5 of this Contract at the time of such hiring, but shall not include any amounts paid as the Bonus; 3) Consultant shall be entitled to receive all the employment benefits that normally accrue to the unclassified service, including membership in the City's retirement system, but such benefits shall not be part of the Salary; and 4) Consultant shall no longer be entitled to receive the Bonus. If employed pursuant to this section, the City Manager shall take all steps necessary to include the appropriate position, salary, and benefits in the City's annual Salary Ordinance."

Pursuant to the aforementioned section, Mr. Madigan has requested that his status be converted from that of a Consultant to that of a full-time employee of the City with the rights afforded by Sections 12B, 12C and 12D of this contract. The purpose of this request is to seek authorization to convert the employment status of Michael D. Madigan from Consultant to a full-time City employee.

FISCAL IMPACT:

The cost of this position in FY 20001 is \$267,851, including benefits, calculated at 25 percent of the base salary.

Uberuaga/Kelley

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-227.)

MOTION BY MATHIS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-250:

SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2000 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/26/00	165	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for Review by Rules Committee
Monday	6/5/00	155	Rules Committee review
Tuesday	6/13/00	147	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	6/19/00	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/26/00	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/24/00	through 106	
Monday	7/31/00	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/00	88	Last day for City Clerk to file with Registrar of Voters all elections material

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Thursday 8/24/00 75 Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at 533-6476.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:40 p.m. in memory of Margaret "Peg" Perkins at the request of Council Member Warden and Council Member Wear.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: G291-313).